



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Petition to Revive an Abandoned Application Under 37 C.F.R. §1.181

Applicant: Robert H. Francis ) Date: September 2, 2005  
Serial No.: 09/771,799 )  
Filed: January 29, 2001 ) Group Art Unit: 2121  
Examiner: Barnes, Crystal J.

For: A PROCESS FOR RAPIDLY CONTROLLING A PROCESS VARIABLE WITHOUT  
OVERSHOOT USING A TIME DOMAIN POLYNOMIAL FEEDBACK CONTROLLER

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: Petition to the Director Under 37 C.F.R. § 1.181 to Revive an Abandoned Application

Dear Sir:

1. On January 29, 2001 the instant application was filed in the United States Patent and Trademark Office. Prosecution proceeded, eventually resulting in a final office action being mailed from the Office on February 1, 2005.

2. On July 1, 2005, Applicant filed a continuation in part application under 37 C.F.R. § 1.53(b) claiming priority from the instant application. The continuation in part application has since been assigned serial no. 11/173,024.

3. In the continuation in part application, Applicant included a claim for priority from the instant application, noted the continuity type and referenced by serial no. the instant application in the Application Data Sheet, included the required fee for a two month extension of time, provided permission for the Office to charge any additional fees or underpayments of fees under 37 C.F.R. 1.16 and 1.17, noted on the Fee Transmittal form that the additional fees were being

submitted to pay for an extension of time to respond within the second month, and noted on the Utility Patent Application Transmittal form, item 18, that the new application was a continuation in part application of the instant application. By doing the foregoing, it was Applicant's intent to extend the time in which to respond to the outstanding office action in the instant application so that it was still pending when the continuation in part application 11/173,024 was filed.

4. In the above-noted reference to the instant application on the Utility Patent Application form, however, the serial no. of the instant application was reproduced incorrectly as 09/771,779 rather than correctly as 09/771,799. In all other instances where the serial no. of the instant application was given (application and data sheet), it was reproduced correctly.

5. On August 12, 2005, the Filing Receipt for the continuation in part application was mailed by the Office to the Applicant and included, under the domestic priority data, acknowledgement of the claim for priority from the instant application.

6. Counsel for the Applicant received a telephone call from the examiner assigned to the case informing Applicant that no notice of the request for extension of time had been received in the instant application. The examiner advised Applicant to contact the Office of Petitions.

7. Applicant contacted the Office of Petitions which confirmed that Applicant was indeed charged the fee for the two month extension of time.

8. Personnel at the Office of Petitions have advised Applicant that the error in the serial no. of the instant application as it was reproduced on the Utility Patent Application form may have led to the oversight and advised Applicant to file the present petition.

9. Therefore, Applicant respectfully requests that the instant application be revived for the period extending to July 1, 2005 or otherwise for a period of time sufficient to provide copendency with continuation in part application serial no. 11/173,024, or through other proper

procedure providing such copendency, and that notice to that effect be forward to counsel for the Applicant. Applicant respectfully requests that the Director, or assigned staff, contact counsel for the Applicant with any inquiries, or to inform Applicant if further information is needed, or to inform Applicant if alternative or additional procedures are required.

10. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Respectfully submitted,

Robert H. Francis  
Applicant

By:

  
Sean T. Bradley  
Reg No. 46,572  
Attorney for the Applicant

ERICKSON & KLEYPAS, L.L.C.  
800 W. 47th Street, Suite 401  
Kansas City, Missouri 64112  
Phone: (816) 753-6777

Dated September 2, 2005

Certificate of Mailing

I hereby certify that this Petition to Revive an Abandoned Application Under 37 C.F.R. §1.181 for application Serial No. 09/771,7990, filed January 29, 2001, is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 2, 2005September 2, 2005.

Robert H. Francis  
Applicant

By: Sean Bradley  
Sean T. Bradley

September 2, 2005  
(Date of Signature)



UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/173,024	07/01/2005	2121	600	172.02	4	15	4

37761  
 ERICKSON & KLEYPAS, L.L.C.  
 800 W. 47TH STREET, SUITE 401  
 KANSAS CITY, MO 64112

CONFIRMATION NO. 1392

**FILING RECEIPT**

\*OC000000016757350\*

Date Mailed: 08/12/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Robert H. Francis, Gaithersburg, MD;

**Power of Attorney:** None**Domestic Priority data as claimed by applicant**

This application is a CIP of 09/771,799 01/29/2001 ABN

**Foreign Applications****Projected Publication Date:** To Be Determined - pending completion of Missing Parts**Non-Publication Request:** No**Early Publication Request:** No**\*\* SMALL ENTITY \*\*****Title**

Process for rapidly controlling a process variable without overshoot using a time domain polynomial feedback controller